



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,619	08/10/2001	Arvind D. Patel	11836.0702.NPUS00	5353

27551 7590 06/04/2003

STEPHEN H. CAGLE
HOWREY SIMON ARNOLD & WHITE LLP
750 BERING DRIVE
HOUSTON, TX 77057

EXAMINER

TUCKER, PHILIP C

ART UNIT	PAPER NUMBER
----------	--------------

1712

DATE MAILED: 06/04/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

927619

Applicant(s)

PATEL

Examiner

P. TUCKER

Group Art Unit

1712

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 3/19/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1, 4-9, 11, 13, 14, 17-22, 25-30, 32, 35 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 4-9, 11, 13, 14, 17-22, 25-30, 32, 35 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other. _____

Office Action Summary

Art Unit: 1712

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-9, 11, 13, 14, 17-22, 25-30, 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/18383 in view of Brown (2900336) and Patel (5189012).

WO '383 teaches a water in oil emulsion which comprises a polyalphaolefin continuous phase which can comprise a polyglyceryl fatty acid diester such as triglyceryl diisostearate (page 3, lines 6-9). The use of diglyceryl diisostearate would be obvious over the teaching of the compounds diglyceryl dipalminate and triglyceryl diisostearate, and the general teaching of a polyglyceryl fatty acid diester by WO '383. The emulsion is taught as being useful as a drilling fluid. WO '383 differs from the present invention in that the specific use of a weighting agent is not exemplified. Brown teaches that drilling fluids, such as water in oil emulsions will have weighting materials such as barite, iron oxide or galena added to impart proper density (column 1, lines 25-30). Patel teaches that polyalphaolefin continuous phase water in oil emulsions may comprise weighting materials, such as barite, iron oxide and calcium carbonate to

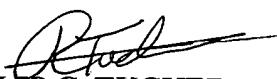
Art Unit: 1712

impart a specific density to the drilling fluid (column 9, lines 23-32). The examples further teach the use of calcium chloride in the drilling fluid emulsions (see examples). It would be obvious to one of ordinary skill in the art to utilize weighting materials as taught by Brown and Patel, in the fluid of WO '383, given the teaching of Brown and Patel that such weighting materials are useful in obtaining the desired density for water in oil emulsion drilling fluids. The utility of such fluids in drilling subterranean formations would be obvious over the teaching of their utility as drilling fluids.

3. Applicants amendment has distinguished over Jakobson. A new rejection is presented herein in view of WO 96/18383.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tucker whose telephone number is (703) 308-0529. The examiner's normal working hours are 7:30am-4:00pm, Monday-Friday. If necessary SPE Robert Dawson may be contacted at 703-308-2340. For inquiries of a general nature call the receptionist at 703-308-0651. The group FAX no. is 703-872-9310. The **after final** fax no. Is 703-872-9311.

PCT-2816
May 30, 2003


PHILIP C. TUCKER
ART UNIT 1712